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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,184	12/03/2003	Roy Schoenberg	66729/P038US/10614714	4980
29053 7590 12/29/2009 FULBRIGHT & JAWORSKI L.L.P. 2200 ROSS AVENUE SUITE 2800 DALLAS, TX 75201-2784				
EXAMINER				
LU, KUEN S				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary****Application No.**

10/727,184

**Applicant(s)**

SCHOENBERG, ROY

**Examiner**

KUEN S. LU

**Art Unit**

2156

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 September 2009.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10, 21-30, 41, 42 and 53-57 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-10, 21-30, 41, 42 and 53-57 is/are rejected.  
7) ☒ Claim(s) 1-10, 21-30, 41, 42 and 53-57 is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 03 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-846)  
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This action is responsive to Applicants' Appeal Brief filed September 2, 2009. Based on a decision made in an appeal conference, prosecution of the Application is reopened with non-final rejections to vacate the final rejections of March 30, 2009.
2. As to Applicant's Arguments/Remarks filed in the Appeal Brief of September 2, 2009, please refer to the Paragraph ***Response to Arguments***, for Examiner's responses.
3. Please note claims 1-10, 21-30, 41-42 and 53-57 have been examined and are pending.

### ***Drawings***

4. Figures 3 and 6 of the drawings filed December 3, 2003 are objected to because the Figures include separate and unconnected elements being not enclosed in a rectangle for showing the elements belonging to a same Figure. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top

margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5.1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5.2. Claim 41 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

**As per claim 41**, the claim is phrased with a server system being "configured to" execute to perform method steps in which configuring step does not positively recite the limitation so preceded is required to be performed by the invention covered by the claim. Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention

was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

**6.1.** Claims 1-10, 20-30, 41-42 and 53-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lickiss et al.: "ORDER PROCESSING AND REPORTING SYSYTEM FOR TRLRCOMMUNICATIONS CARRIER SERVICES", U.S. Patent 6,104,798, filed February 12, 1998 and issued August 15, 2000, hereafter "Lickiss"; in view of Marchosky: "RECORD SYSTEM", U.S. Patent Application Publication 2003/0050803, filed 9/24/2002 and published 3/13/2003; and further in view of Pratt et al: "METHOD AND APPARATUS FOR ORGANIZING AND USING INDEXES UTILIZING A SEARCH DECISION TABLE", U.S. Patent 6,772,141, filed December 14, 1999 and issued August 3, 2004, hereafter "Pratt".

**As per claim 1**, Lickiss teaches "A range-conversion method comprising" (See Fig. 3a and col. 9, lines 45-49 where order received is translated into different format): "receiving data records, includes one or more data fields and a field value associated with each data field" (See Fig. 10 and col. 10, lines 32-40 where a customer order is received and it contains many data fields assigned with values).

It is noted that the data records Lickiss received are not medical in which each of the medical data records includes at least a portion of a corresponding patient's medical history.

However, Marchosky teaches a record system where medical records are owned by patient in which each of the medical data records may include various medical history data (See Abstract and [0050]).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teaching of Marchosky with Lickiss reference by indexing and access authorizing of Lickiss' records because both references are directed to provide services and carriers for a great large number of records where records indexes and access authorization would have enhanced Lickiss' system for providing more accurate reports and more timely status on-line data to its clients.

The combined teaching of Marchosky and Lickiss references further teaches the following:

"identifying one or more data fields as a range-based data field" (See Marchosky: Table IV and [0168] where sub-sectors for different degrees of pains are range-based data field).

Concerning "defining, by an authorized user who has authorized access to the medical data records, a plurality of text-based range descriptors, wherein each text-based range descriptor is associated with a range of field values for one of the range-based data fields", at Table IV and [0168] Marchosky discloses that sub-sectors for different degrees of pains are defined with a range of digital codes, and Lickiss teaches

location record considered for the particular user that defined the record and others authorized based on access level (see Para. [0044]).

It is noted that the above range descriptors are digital-codes based, the combined teaching of the references does not explicitly teach the descriptors as based on text-range.

However, Pratt teaches identifying range of query text string by comparing the text string with reference strings for searching decision and result (See Fig. 4 and col. 6, line 54 – col. 7, line 38).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teaching of Pratt with Marchosky and Lickiss references by associating indexes with range-based fields and the further combined teaching would have further improved the performance of accessing and authorizing of Lickiss' records.

**As per claim 21**, the claim is directed to the computer program product residing on a computer readable medium having a plurality of instructions stored thereon which, when executed by the processor, cause that processor to perform methods of **claim 1**, and therefore rejected along the same rationale.

**As per claim 41**, the claim is directed to the server system including a computer processor and associated memory having a database that includes data records and

the server system performs the steps of **claim 1**, and therefore rejected along the same rationale.

**As per claims 2 and 22**, the combined teaching of the Pratt, Marchosky and Lickiss references further teaches "wherein a text-string is associated with a specific data record" (See Lickiss: Fig. 10 and col. 10, lines 32-40 where the LEC Status File is the text-string associated with the specific data record).

**As per claims 3 and 23**, the combined teaching of the Pratt, Marchosky and Lickiss references further teaches "wherein the specific data record includes a range-based data field, the range-conversion method further comprising" (See Lickiss: Fig. 10 and col. 10, lines 32-40 where a customer order is received and it contains many data fields):

"incorporating, into the text-string associated with the specific data record, the text-based range descriptor that is associated with the field value of the range-based data field included in the specific data record" (See Lickiss: col. 22, lines 26-31 where validated customer information is converted into a format suitable for provisioning at local carrier exchange entity, Pratt: Fig. 4 and col. 6, line 54 – col. 7, line 38, correlating indexes with ranges of text).

**As per claims 4 and 24**, the combined teaching of the Pratt, Marchosky and Lickiss references further teaches the following:



"generating a text-string for each data record, wherein each text-string includes one or more text-based data descriptors, such that each data descriptor includes" (See Lickiss: Fig. 10 and col. 10, lines 32-40 where the LEC Status File is the text-string associated with the specific data record and more descriptions are generated for the data fields): "a field descriptor that defines a specific data field within the data record to which the text-string is related, and a value descriptor that defines the field value associated with the specific data field" (See Lickiss: Fig. 10 and col. 10, lines 32-40 where descriptions are generated for the data fields and the data fields are assigned with values, Pratt: Fig. 4 and col. 6, line 54 – col. 7, line 38, relating indexes with ranges of text).

**As per claims 5 and 25**, the combined teaching of the Pratt, Marchosky and Lickiss references further teaches "wherein each text-string further includes a record identifier that identifies the data record to which the text-string is related" (See Lickiss: Fig. 9 and col. 9, lines 29-44 where each record is described by field descriptions and all records are described by the header and trailer information).

**As per claims 6 and 26**, the combined teaching of the Pratt, Marchosky and Lickiss references further teaches "wherein a specific data record includes a range-based data field, the range-conversion method further comprising" (See Marchosky: Table IV and [0168] where sub-sectors for different degrees of pains are identified with a range of digital codes, a range-based data field and Lickiss: col. 22, lines 26-31 where validated customer information is converted into a format suitable for provisioning at local carrier

exchange entity):

"incorporating, as the value descriptor of the text-string associated with the specific data record, the text-based range descriptor that is associated with the field value of the range-based data field included in the specific data record" (See Lickiss: Fig. 9 and col. 9, lines 29-44 where each record is described by field descriptions and all records are described by the header and trailer information, , Pratt: Fig. 4 and col. 6, line 54 – col. 7, line 38, correlating indexes with ranges of text).

**As per claims 7 and 27**, the combined teaching of the Pratt, Marchosky and Lickiss references further teaches "wherein each data descriptor includes one or more starting characters, one or more separator characters, and one or more ending characters" (See Lickiss: Fig. 13 and col. 17, 44-59 where data fields start with and end with a character, comma).

**As per claims 8 and 28**, the combined teaching of the Pratt, Marchosky and Lickiss references further teaches "wherein the field descriptor is positioned between the separator characters and one of the starting characters and the ending characters" (See Lickiss: Fig. 13 and col. 17, 44-59 where data fields start with and end with a character, comma).

**As per claims 9 and 29**, the combined teaching of the Pratt, Marchosky and Lickiss references further teaches "wherein the value descriptor is positioned between the

separator characters and the other of the starting characters and the ending characters” (See Lickiss: Fig. 13 and col. 17, 44-59 where data fields start with and end with a character, comma ).

**As per claims 10 and 30**, the combined teaching of the Pratt, Marchosky and Lickiss references further teaches “wherein each range of field values is a numeric range” (See Marchosky: Table IV and [0168] where sub-sectors for different degrees of pains are identified with a range of digital codes, a range-based data field, for example, sharp pain is in the range between 00000000041 to 00000000050, , Pratt: Fig. 4 and col. 6, line 54 – col. 7, line 38, correlating indexes with ranges of text).

**As per claim 42**, the combined teaching of the Pratt, Marchosky and Lickiss references further teaches “The searching system of claim 41 wherein the server system is coupled to a distributed computing network” (See Marchosky: Fig. 1 where a central computer is coupled to a network).

**As per claims 53 and 56**, the combined teaching of the Pratt, Marchosky and Lickiss references further teaches “wherein each of the defined text-based range descriptors represents a corresponding medical status of the patient reflected by field values contained in the range of field values associated with the text-based range descriptor” (See Marchosky: Table IV and [0168] where sub-sectors for different degrees of pains are described in text and ranged in textual digital codes, a range–

based data field which is a medical status of patients, for example, sharp pain, Pratt: Fig. 4 and col. 6, line 54 – col. 7, line 38, correlating indexes with ranges of text).

**As per claims 54 and 57**, the combined teaching of the Pratt, Marchosky and Lickiss references further teaches “wherein said authorized user comprises an authorized medical service provider of a patient” (See Marchosky: [0044] where location record is considered for the particular user that defined the record and others authorized based on access level).

**As per claim 55**, the combined teaching of the Pratt, Marchosky and Lickiss references further teaches “The range-conversion method of claim 54 wherein said medical records are stored to a computer-based repository, and wherein said authorized medical service provider possesses an access key for the patient that permits access to at least a portion of the patient's medical records” (See Marchosky: [0044] where location record is considered for the particular user that defined the record and other users of the service provider system authorized based on access level, , Pratt: Fig. 4 and col. 6, line 54 – col. 7, line 38, correlating indexes with ranges of text).

### ***Response to Arguments***

7. The Applicant's arguments filed on 6/19/2009 have been fully considered and Examiner has respectfully introduced Pratt reference for providing teaching on searching, correlating and identifying text string in text range-based query, in which

feature of range-based text string is considered deficient from Marchosky and Lickiss references.

### ***References***

**6.1.** The prior art made of record

A. U. S. Patent 6,104,798

J. U. S. Patent Application Publication 2003/0050803 A1

K. U. S. Patent 6,772,141

**6.2.** The (prior) art made of record and not relied upon is considered pertinent to Applicant's disclosure.

B. U. S. Patent 6,643,644

C. U.S. Patent Application Publication 2003/0101238 A1

D. U. S. Patent 5,249,169

E. U. S. Patent 5,579,407

F. U. S. Patent Application Publication 2003/0120622 A1

G. U. S. Patent 6,154,466

H. U. S. Patent 6,110,224

I. U. S. Patent Application Publication 2002/0171673 A1

### ***Conclusions***

### ***Contact Information***

7. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to KUEN S. LU whose telephone number is (571)-272-4114. The examiner can normally be reached on Monday-Friday (8:00 am-5:00 pm).

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If attempts to reach the examiner by telephone pre unsuccessful, the examiner's Supervisor, Pierre Vital can be reached on (571)-272-4215. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for Page 13 Published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should You have questions on access to the Private PAIR system; contact the Electronic Business Center (EBC) at 866-217-9197 (toll free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, please call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KUEN S. LU /Kuen S Lu/

Art Unit 2156

Primary Patent Examiner

December 29, 2009